

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

I. STATUS OF THE CLAIMS

Claims 8, 11, and 12 are amended herein.

In view of the above, it is respectfully submitted that claims 1-12 are currently pending and under consideration.

II. CLAIMS OBJECTIONS

Section 7 on page 4 of the Office Action indicates that claim 8 is objected to. Claim 8 is amended herein to overcome the claim objection.

In view of the above, it is respectfully requested that the objection is overcome.

III. REJECTION OF CLAIMS 11-12 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Section 8 on pages 5-6 of the Office Action indicates that claims 11 and 12 are rejected under 35 U.S.C. § 112, second paragraph. Claims 11 and 12 are amended herein to overcome the rejection.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. REJECTION OF CLAIMS 1-12 UNDER 35 U.S.C. § 101

Claims 1-12 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

The Examiner alleges that the claims recite merely an abstract idea. Independent claims 1 and 6-12 recite the feature of "outputting the receiving characteristic," and independent claim 5 recites the feature of "outputting the directivity characteristic." The mere result of outputting a "characteristic" for a simulation apparatus provides a useful, concrete, and tangible result. Claims 1 and 5-12 recite either a simulation apparatus for simulating, a computer-readable storage medium on which is recorded a program process for controlling and enabling a computer to simulate, a process of simulating, or a method of simulating within the technological arts, thereby providing a useful, concrete, and tangible result.

MPEP § 2106 states that subject matter outside patentable statutory subject matter is limited to abstract ideas, laws of nature, and natural phenomena, where the claimed subject matter is not a *practical application or use* of an idea, a law of nature or a natural phenomena. Thus, a claim to an "abstract idea" is non-statutory when it does not represent a practical application of the idea. A claim is limited to a practical application when the method, as claimed, produces a concrete, tangible and useful result (see, MPEP § 2106).

As recited in independent claim 1, for example, the simulation apparatus comprises an output device which calculates a receiving characteristic of an object and then outputs the receiving characteristic of the object. A simulation device is known to produce or output a result. Accordingly, a concrete, tangible and useful result is achieved not only by calculating a receiving characteristic of an object but also by outputting the receiving characteristic of the object. (see, State Street Bank & Trust Co. v. Signature Financial Group Inc., 47 U.S.P.Q.2d 1596 (Fed. Cir. 1998)).

Therefore, it is respectfully submitted that because independent claims 1 and 5-12 and dependent claims dependent therefrom satisfy the requirements of 35 USC §101, withdrawal of the rejection is requested.

In view of the above, it is respectfully requested that the rejection is overcome.

V. REJECTION OF CLAIMS 1-12 UNDER 35 U.S.C. § 103(A)

The Examiner maintains that the combination of Nishino, Otsu, and Cheng discloses the claimed invention.

However, Nishino does not disclose or suggest a generation source and object. In this regard, it is unlikely that any person skilled in the art would find that Nishino discloses the claimed first current calculation device and second current calculation device as recited, for example, in claim 1 of the present invention.

In sections 11.5.1 and 11.5.3 on pages 11 and 12 of the Office Action, the Examiner attempts to describe that Nishino discloses a first current calculation device and second current calculation device, yet, nothing in Nishino discloses or suggests the features of "a first current calculation device calculating current values of the generation source using simultaneous equations of the generation source when the generation source is divided into a plurality of elements, the simultaneous equations of the generation source having currents that flow through respective elements as unknowns" and "a second current calculation device calculating current values of the object using simultaneous equations of the object when the object is divided into a

plurality of elements and a positional relationship between the generation source and object changes, the simultaneous equations of the object having currents that flow through respective elements as unknowns and the current values stored in the current storage device as constants."

In section 6.2.1.2 on page 3 of the Office Action, the Examiner asserts, "the ordinary artisan would have known that the calculation method of the claims would only be applicable if a distance between a transmitting antenna (a source) and a EUT (an object) is greater than or equal to a threshold distance because Cheng recites that the transmitting and receiving antennas need to be separated by very large distances in order for the coupling impedance to be neglected as far as the reaction on the transmitting antenna owing to scattering by the receiving antenna." The Examiner further asserts, "[t]he ordinary artisan would have known about the far field approximation of the equations of electromagnetic radiation..., as opposed to the near field equations. The near field equations contain terms proportional to $1/R^2$ and $1/R^3$, which can be ignored when R is large..., which would have been known by the ordinary artisan. Therefore, the ordinary artisan would have used a distance threshold to determine if it was appropriate to use a far field approximation."

The Examiner's comments, however, fail to address our arguments that Cheng, either alone or in combination with any of the cited prior art references, does not describe the features of the present invention in which a check is made to determine whether a distance between a transmitting antenna (a source) and a EUT (an object) is greater than or equal to a prescribed threshold distance. Nothing in Cheng describes that if a threshold is met, the calculation of source current values using a first set of simultaneous equations and the storing of these current values as constants is performed.

Accordingly, it is submitted that none of the cited prior art references, either alone or in combination, discloses or suggests the features as recited in claims 1-12 of the present invention:

In view of the above, it is respectfully submitted that the rejection is overcome.

VI. CONCLUSION

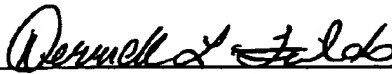
In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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